

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

IN RE:
GAYLIN DURALL VANDENBROUCKE

Case No.: 12-32936-KRH

Chapter 13

Debtor.

GAYLIN DURALL VANDENBROUCKE

Plaintiff,

vs.

Adversary Proceeding No.13-03034-KRH

SUN TRUST BANK ,
CECIL B. STONE AND SHEILA THOMPSON., TRUSTEES
Defendants

**ORDER ON DEBTORS' MOTION TO DETERMINE VALIDITY, EXTENT, AND
PRIORITY OF LIEN PURSUANT TO 11 U.S.C. §506(a)**

This matter arose upon Debtors' Motion to determine validity, extent and priority of a lien pursuant to 11 U.S.C. §506(a), ("the Motion")

Debtor's Motion sought a determination on the second priority lien (the "Lien") on its residence, located at 12404 New Point Drive, Henrico, VA 23233(the "Property") held by the Respondent, filed on 4/11/2007, and recorded in the Official Real Estate Records of the Circuit Court for the County of Henrico, Virginia in **Deed Book 4322, page 601.**

Debtor argues that Respondent's Lien is completely unsecured because there is no value in Debtor's residence to which Respondent's junior Lien can attach; therefore, Respondent's Claim is unsecured pursuant to 11 U.S.C. 506(d) and 1322 (b)(2).

Debtor contends that Notice of said hearing was properly given, and that upon said hearing date appearances were made by Counsel for the Debtors and Counsel for the Chapter 13 Trustee.

No appearances were made by any other party in interest, and no Response/Objections to Debtors' "Motion" were timely filed.

Debtor (s) Request for Entry of Default Judgment was filed on 4/4/2013 and the Clerk Entered Default on 4/5/2013.

Debtor(s) Motion for Default Judgment was filed on 4/24/2013 and Defendants were properly served and this Court has personal jurisdiction over all Defendants.

As such, after review of the records and pleadings filed in this case, and for good cause shown, it is hereby

ORDERED that Debtor's "Motion" is GRANTED as set forth herein. It is

ORDERED that effective upon entry of a Discharge Order under 11 U.S.C. 1328(a) in the Debtor's Chapter 13 Case/Plan, any security interest and/or Lien of Respondent, evidenced by the Lien encumbering Debtor's real property listed above, recorded on or about, in the aforementioned Official Real Estate Records of the Circuit Court for the County of Henrico, VA is hereby avoided with respect to the interest in Debtor's real property located at 12404 New Point Drive, Henrico, VA 23233, (hereinafter "the Property"), and more particularly known as:

Lot 6, Block H, Section A, Harbour Cove Townhouses,
Henrico County, VA

It is further **ORDERED** that upon receipt of this Court's Discharge Order, Respondent's Lien shall become null and void and shall be automatically extinguished without further Court Order, pursuant to 11 U.S.C. 506(d). Defendants shall release the lien within thirty (30) days from Notice of Entry of Plaintiff's discharge. Plaintiff may record this Order and the Discharge, upon entry, with the Clerk of the Circuit Court for Henrico County, VA, which recording shall void the trust sued upon herein as a lien on the real property of Plaintiff; the lien shall be void for all other purposes upon the completion of the plan and the discharge of Plaintiff; and

It is further **ORDERED** that for purposes of distribution under Debtor's Chapter 13 Plan, the claim(s) filed by the Respondent in relation to said physical property will be allowed as and funded as general, unsecured, non-priority Claim(s); If no claim has been made that the Defendants shall have sixty (60) days from the date hereof to file such claim; and

It is further **ORDERED** that in the event the Debtor's Chapter 13 Case is dismissed or converted to a Chapter 7, Respondent's Lien and security interest shall not be affected by this Order in accordance with 11 U.S.C. 349(1)(C) or 348(f)(1)(B), as applicable.

There being nothing further, this matter is Concluded.

Dated: _____

Kevin R. Huennekens, Judge
United States Bankruptcy Court

Entered on Docket: _____

I ask for this:

/s/ Linda D. Jennings
Linda D. Jennings, Esquire, VSB#19455
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t/a The Debt Law Group
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Colonial Heights, VA 23834
Phone: (804) 506-0177
Fax: (804) 201-4707
Counsel for Debtor/Plaintiff

Certification and Local Rule

I certify that pursuant to local rule this Order has been served by first class mail or ECF Delivery on or endorsed by all necessary parties.

/s/ Linda D. Jennings
Linda D. Jennings

Copies to:

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c/o William H. Rogers, Jr., President
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1001 Semmes Avenue,
Richmond, VA 23234

CECIL B. STONE, Trustee
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Richmond, VA 23294

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